

REMARKS

This is a full and timely response to the final Official Action mailed January 20, 2004 (Paper No. 15). A petition is also made herewith and the appropriate fee authorized for a one-month extension of time to respond to the final Office Action of January 20, 2004. Reconsideration of the application in light of the foregoing amendments and the following remarks is respectfully requested.

✓ By the present amendment, claims 1-7, 10-26 and 34 have been cancelled. Thus, only claims 8, 9 and 27-33 remain pending.

↓ Claims 8, 9 and 27-33 have been allowed. Applicant wishes to thank the Examiner for the allowance of these claims.

The final Office Action also contains a statement of reasons for the allowance of claims 8, 9 and 27-33. Applicant agrees with the Examiner's conclusions regarding patentability, without necessarily agreeing with or acquiescing in the Examiner's reasoning. In particular, Applicant believes that the application is allowable because the prior art fails to teach, anticipate or render obvious the invention as claimed, independent of how the invention is paraphrased.

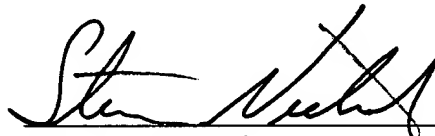
With regard to the prior art, the Office Action rejected claims 1, 2, 4-7, 10-15, 18-21, 23-25 and 34 as unpatentable under 35 U.S.C. § 103(a) in view of the combined teachings of EP 0519667 A1 to Kikuchi ("Kikuchi") and U.S. Patent No. 5,138,457 to Sakai et al. Claims 3, 22 and 26 were rejected under 35 U.S.C. § 103(a) as unpatentable over the combined teachings of Kikuchi, Sakai and U.S. Pat. No. 5,220,602 to Robbins et al. ("Robbins"). Although Applicant continues to traverse these rejections, these rejections are all rendered moot by the cancellation herein of the rejected claims.

Applicant cancels claims 1-7, 10-26 and 34 without prejudice or disclaimer and expressly reserves the right to re-file any cancelled claims or other claims in a continuation or divisional application. Applicant only cancels claims 1-7, 10-26 and 34 herein to expedite the issuance of a patent containing allowed claims 8, 9 and 27-33.

Entry and consideration of this amendment are proper under 37 C.F.R. § 1.116 for at least the following reasons. The present amendment makes only those changes necessary to place the application in condition for allowance as indicated by the Examiner. The amendment does not raise new issues requiring further search or consideration. Therefore, entry of the present amendment is proper under 37 C.F.R. § 116 and is hereby requested.

For the foregoing reasons, the present application is thought to be clearly in condition for allowance. Accordingly, favorable reconsideration of the application in light of these remarks is courteously solicited. If any fees are owed in connection with this paper which have not been elsewhere authorized, authorization is hereby given to charge those fees to Deposit Account 18-0013 in the name of Rader, Fishman & Grauer PLLC. If the Examiner has any comments or suggestions which could place this application in even better form, the Examiner is requested to telephone the undersigned attorney at the number listed below.

Respectfully submitted,



Steven L. Nichols  
Registration No. 40,326

DATE: 19 May 2004

Steven L. Nichols, Esq.  
Managing Partner, Utah Office  
**Rader Fishman & Grauer PLLC**  
River Park Corporate Center One  
10653 S. River Front Parkway, Suite 150  
South Jordan, Utah 84095

(801) 572-8066  
(801) 572-7666 (fax)